

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (DAYTON)

NCR CORPORATION	:	CASE NO. _____
1700 South Patterson Boulevard	:	
Dayton, OH 45479-0001,	:	JUDGE: _____
	:	
Plaintiff,	:	
	:	
v.	:	COMPLAINT FOR PATENT
	:	<u>INFRINGEMENT</u>
ALLOY, INC.	:	
151 West 26th Street	:	<u>JURY TRIAL DEMANDED</u>
11th Floor	:	
New York, NY 10001,	:	
	:	
Defendant.	:	

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**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff NCR Corporation ("Plaintiff" or "NCR") is a Maryland corporation having its principal place of business at 1700 South Patterson Boulevard, Dayton, Ohio 45479-0001.

2. On information and belief, Defendant Alloy, Inc. ("Defendant" or "Alloy" herein) is a Delaware corporation having its principal place of business at 151 West 26th Street, 11th Floor, New York, NY 10001.

3. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code, specifically 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(b). Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

**FIRST CLAIM FOR RELIEF**

**(Infringement of U.S. Patent Number 6,519,600)**

4. On February 11, 2003, United States Patent Number 6,519,600 ("the '600 patent"), entitled "Computerized Asset Management System," was duly and legally issued to David M. Siefert. All right, title and interest in the '600 patent has been assigned to NCR, and NCR is the owner of the entire right, title and interest in and to the '600 patent. A copy of the '600 patent is attached as Exhibit A.

5. On information and belief, Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement of one or more claims of the '600 patent. Defendant's infringing activities include, but are not limited to, operating, using or inducing others to use Defendant's online computerized e-commerce services, which can be accessed via the Internet at [www.alloy.com](http://www.alloy.com).

6. Defendant has been on notice of its infringement of the '600 patent since at least March 8, 2004.

7. On information and belief, Defendant's infringement of the '600 patent has been willful and deliberate.

8. As a consequence of the infringing activities of Defendant regarding the '600 patent, NCR has suffered harm and is entitled to monetary damages pursuant to 35 U.S.C. § 284.

**SECOND CLAIM FOR RELIEF**

**(Infringement of U.S. Patent Number 6,480,855)**

9. NCR incorporates by reference its previous allegations contained in paragraphs 1 through 8 of the Complaint as if fully restated.

10. On November 12, 2002, United States Patent Number 6,480,855 ("the '855 patent"), entitled "Managing a Resource on a Network Where Each Resource Has an Associated Profile with an Image," was duly and legally issued to David M. Siefert. All right, title and interest in the '855 patent has been assigned to NCR, and NCR is the owner of the entire right, title and interest in and to the '855 patent. A copy of the '855 patent is attached as Exhibit B.

11. On information and belief, Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement of one or more claims of the '855 patent. Defendant's infringing activities include, but are not limited to, operating, using or inducing others to use Defendant's online computerized e-commerce services, which can be accessed via the Internet at [www.alloy.com](http://www.alloy.com).

12. Defendant has been on notice of its infringement of the '855 patent since at least March 8, 2004.

13. On information and belief, Defendant's infringement of the '855 patent has been willful and deliberate.

14. As a consequence of the infringing activities of Defendant regarding the '855 patent, NCR has suffered harm and is entitled to monetary damages pursuant to 35 U.S.C. § 284.

**THIRD CLAIM FOR RELIEF**

**(Infringement of U.S. Patent Number 6,334,110)**

15. NCR incorporates by reference its previous allegations contained in paragraphs 1 through 14 of the Complaint as if fully restated.

16. On December 25, 2001, United States Patent Number 6,334,110 ("the '110 patent"), entitled "System and Method for Analyzing Customer Transactions and Interactions," was duly and legally issued to Joanne S. Walter and David K. Schrader. All right, title and interest in the '110 patent has been assigned to NCR, and NCR is the owner of the entire right, title and interest in and to the '110 patent. A copy of the '110 patent is attached as Exhibit C.

17. On information and belief, Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement of one or more claims of the '110 patent. Defendant's infringing activities include, but are not limited to, operating, using, or inducing others to use Defendant's online computerized e-commerce services, which can be accessed via the Internet at [www.alloy.com](http://www.alloy.com).

18. Defendant has been on notice of its infringement of the '110 patent since at least March 8, 2004.

19. On information and belief, Defendant's infringement of the '110 patent has been willful and deliberate.

20. As a consequence of the infringing activities of Defendant regarding the '110 patent, NCR has suffered harm and is entitled to monetary damages pursuant to 35 U.S.C. § 284.

**FOURTH CLAIM FOR RELIEF**

**(Infringement of U.S. Patent Number 6,169,997)**

21. NCR incorporates by reference its previous allegations contained in paragraphs 1 through 20 of the Complaint as if fully restated.

22. On January 2, 2001, United States Patent Number 6,169,997 ("the '997 patent"), entitled "Method and Apparatus for Forming Subject (Context) Map and Presenting Internet Data According to the Subject Map," was duly and legally issued to Karen A. Papierniak, James E. Thaisz, Luo-Jen Chiang and Paresh B. Shah. All right, title and interest in the '997 patent has been assigned to NCR, and NCR is the owner of the entire right, title and interest in and to the '997 patent. A copy of the '997 patent is attached as Exhibit D.

23. On information and belief, Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement of one or more claims of the '997 patent. Defendant's infringing activities include, but are not limited to, operating, using or inducing others to use Defendant's online computerized e-commerce services, which can be accessed via the Internet at [www.alloy.com](http://www.alloy.com).

24. Defendant has been on notice of its infringement of the '997 patent since at least March 8, 2004.

25. On information and belief, Defendant's infringement of the '997 patent has been willful and deliberate.

26. As a consequence of the infringing activities of Defendant regarding the '997 patent, NCR has suffered harm and is entitled to monetary damages pursuant to 35 U.S.C. § 284.

**FIFTH CLAIM FOR RELIEF**

**(Infringement of U.S. Patent Number 6,151,601)**

27. NCR incorporates by reference its previous allegations contained in paragraphs 1 through 26 of the Complaint as if fully restated.

28. On November 21, 2000, United States Patent Number 6,151,601 ("the '601 patent"), entitled "Computer Architecture and Method for Collecting, Analyzing and/or Transforming Internet and/or Electronic Commerce Data for Storage Into a Data Storage Area," was duly and legally issued to Karen A. Papierniak, James E. Thaisz, Anjali M. Diwekar and Luo-Jen Chiang. All right, title and interest in the '601 patent has been assigned to NCR, and NCR is the owner of the entire right, title and interest in and to the '601 patent. A copy of the '601 patent is attached as Exhibit E.

29. On information and belief, Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement of one or more claims of the '601 patent. Defendant's infringing activities include, but are not limited to, operating, using or inducing others to use Defendant's online computerized e-commerce services, which can be accessed via the Internet at [www.alloy.com](http://www.alloy.com).

30. Defendant has been on notice of its infringement of the '601 patent since at least March 8, 2004.

31. On information and belief, Defendant's infringement of the '601 patent has been willful and deliberate.

32. As a consequence of the infringing activities of Defendant regarding the '601 patent, NCR has suffered harm and is entitled to monetary damages pursuant to 35 U.S.C. § 284.

#### **SIXTH CLAIM FOR RELIEF**

##### **(Infringement of U.S. Patent Number 5,951,643)**

33. NCR incorporates by reference its previous allegations contained in paragraphs 1 through 32 of the Complaint as if fully restated.

34. On September 14, 1999, United States Patent Number 5,951,643 ("the '643 patent"), entitled "Mechanism for Dependably Organizing and Managing Information for Web Synchronization and Tracking Among Multiple Browsers," was duly and legally issued to James A. Shelton, Michael I. Ingrassia, Jr. and Thomas M. Rowland. All right, title and interest in the '643 patent has been assigned to NCR, and NCR is the owner of the entire right, title and interest in and to the '643 patent. A copy of the '643 patent is attached as Exhibit F.

35. On information and belief, Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement of one or more claims of the '643 patent. Defendant's infringing activities include, but are not limited to, operating, using or

inducing others to use Defendant's online computerized e-commerce services, which can be accessed via the Internet at [www.alloy.com](http://www.alloy.com).

36. Defendant has been on notice of its infringement of the '643 patent since at least March 8, 2004.

37. On information and belief, Defendant's infringement of the '643 patent has been willful and deliberate.

38. As a consequence of the infringing activities of Defendant regarding the '643 patent, NCR has suffered harm and is entitled to monetary damages pursuant to 35 U.S.C. § 284.

#### **SEVENTH CLAIM FOR RELIEF**

##### **(Infringement of U.S. Patent Number 5,699,526)**

39. NCR incorporates by reference its previous allegations contained in paragraphs 1 through 38 of the Complaint as if fully restated.

40. On December 16, 1997, United States Patent Number 5,699,526 ("the '526 patent"), entitled "Ordering and Downloading Resources from Computerized Repositories," was duly and legally issued to David M. Siefert. All right, title and interest in the '526 patent has been assigned to NCR, and NCR is the owner of the entire right, title and interest in and to the '526 patent. A copy of the '526 patent is attached as Exhibit G.

41. On information and belief, Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement of one or more claims of the '526



patent. Defendant's infringing activities include, but are not limited to, operating, using or inducing others to use Defendant's online computerized e-commerce services, which can be accessed via the Internet at [www.alloy.com](http://www.alloy.com).

42. Defendant has been on notice of its infringement of the '526 patent since at least March 8, 2004.

43. On information and belief, Defendant's infringement of the '526 patent has been willful and deliberate.

44. As a consequence of the infringing activities of Defendant regarding the '526 patent, NCR has suffered harm and is entitled to monetary damages pursuant to 35 U.S.C. § 284.

#### **PRAYER FOR RELIEF**

Plaintiff requests judgment and relief against Defendant, including:

(a) Judgment that Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement with respect to claims of United States Patent Numbers: 6,519,600; 6,480,855; 6,334,110; 6,169,997; 6,151,601; 5,951,643; and 5,699,526;

(b) Judgment preliminarily and permanently enjoining Defendant from committing further infringing acts with regard to United States Patent Numbers: 6,519,600; 6,480,855; 6,334,110; 6,169,997; 6,151,601; 5,951,643; and 5,699,526;

(c) Judgment awarding Plaintiff damages adequate to compensate for Defendant's infringement of United States Patent Numbers: 6,519,600; 6,480,855; 6,334,110; 6,169,997; 6,151,601; 5,951,643; and 5,699,526;

(d) Judgment that Defendant's infringement was willful and that said damages be trebled pursuant to 35 U.S.C. § 284;

(e) An award to Plaintiff of its attorneys' fees pursuant to 35 U.S.C. § 285;

(f) An award to Plaintiff of its costs; and

(g) An award to Plaintiff for such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiff demands a jury trial on all issues triable to a jury in this matter.

Respectfully submitted,



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Trial Attorney

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